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CONGRESSIONAL RECORD

HOUSE

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H.R. 19877

DATE

December 18, 1970

PAGE(S)

H12047-53

ACTION

House agreed to conference report

Revere and Nantasket Beaches, Mass.
 San Leandro Marina, Calif.
 South shore of Lake Ontario: Fort Niagara
 State Park, N.Y.
 Waukegan Harbor, Ill.
 Fort Chartres and other drainage dis-
 tricts, Ill.
 Marion, Kans.
 Placer Creek, Wallace, Idaho.
 Posten Bayou, Ark.
 Reedy River, Greenville, S.C.
 Running Water Draw, Mainview, Tex.
 San Luis Rey River, Calif.
 Scajaquada Creek and Tributaries, N.Y.
 Steele Bayou Basin, Miss.
 Streams in vicinity of Fairfield, Calif.
 University Washington and Spring Brook,
 Riverside County, Calif.
 Wenatchee, Wash.
 Western Tennessee tributaries, Tennessee.
 Zintel Canyon, vicinity of Kennewick,
 Wash.

Sincerely yours,

GEORGE H. FALLON,
 Chairman.

**CONFERENCE REPORT ON H.R.
 19877, RIVERS AND HARBORS AND
 FLOOD CONTROL ACTS OF 1970**

Mr. BLATNIK. Mr. Speaker, I call up the conference report on the bill (H.R. 19877) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. HARSHA. Mr. Speaker, reserving the right to object, may I inquire of the distinguished gentleman from Minnesota whether or not the gentleman intends to explain to the House what is contained in this conference report?

Mr. BLATNIK. Mr. Speaker, if the gentleman will yield; yes, we have a full explanation as well as a summary explanation of both titles I and II.

Mr. HARSHA. Will there be an opportunity for the minority to express its position on the bill?

Mr. BLATNIK. Yes; there will.

Mr. HARSHA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 17, 1970.)

Mr. BLATNIK. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BLATNIK asked and was given permission to revise and extend his remarks.)

Mr. BLATNIK. Mr. Speaker, the conference report which is before the House at the present time is on H.R. 19877, the Omnibus Rivers and Harbors and Flood Control Act of 1970. The bill as agreed to by the conferees is a sound measure which would continue the vitally important water resources development program of the Corps of Engineers.

The Subcommittees on Rivers and Harbors and Flood Control held 3 weeks

of hearings on this bill. Testimony was received from the Corps of Engineers on the technical details of the project, the estimated costs and the economic justifications. The committee also heard testimony on a number of projects on items which it felt should be considered in connection with the bill. On those projects considered controversial, testimony was received from Members of Congress, Federal and State officials, representatives of local organizations, and from interested citizens.

The conferees from the House and the Senate met and with a fine attitude of cooperation worked out the difference in the two versions of the bill. As in most conferences, the views of the House prevailed on some matters, and the views of the Senate on others. I believe that we have brought together a good bill, one that I can endorse to this body.

Included in the Senate version were 30 projects for rivers and harbors and flood control, each of which are estimated to cost less than \$10 million. These projects were not included in the House bill because we utilized a procedure authorized in the Flood Control Act of 1965 which makes possible more expeditious authorization of these relatively small water resource development projects. This procedure permits the Committee on Public Works of the House of Representatives and Senate to review such projects and to approve them by committee resolution. This procedure makes possible prompt congressional action on numerous badly needed projects throughout the Nation.

It is our intent that this procedure will be utilized in the future so as to approve these projects in an orderly manner without having to wait upon an Omnibus Rivers and Harbors and Flood Control Act, which generally does not occur more often than once every 2 years.

The Senate conferees accepted the House position on this matter and the conference substitute does not include these projects. I would point out that the Committee on Public Works has approved each of these projects by the resolution procedure which I have described.

There are certain provisions in H.R. 19877 which I would specifically point out to my colleagues as being worthy of special note.

Section 107, which I am pleased to have authored, is the direct outgrowth of the study included in the River and Harbor Act of 1965 and authorizes the Secretary of the Army, acting through the Chief of Engineers to conduct a survey to the Great Lakes and St. Lawrence Seaway to determine the feasibility of extending the navigation season, in accordance with the recommendations of the Chief of Engineers in his report entitled "Great Lakes and St. Lawrence Seaway-Navigation Season Extension." Preliminary investigations conclude that practical measures are available for deciding waterways and lock structures, but that solutions to the icing problem on the Great Lakes and St. Lawrence Seaway are complex, and additional studies are necessary.

The section also authorizes the Secre-

tary of the Army, acting through the Chief of Engineers, in cooperation with interested Federal agencies—primarily the Coast Guard and the Maritime Administration—and non-Federal public and private interests to undertake an action program to demonstrate the practicability of extending the navigation season. This program will complement the survey by serving as a means of testing and developing various methods which may be recommended and also by encouraging the participation in the development and use of these methods and shipping interests.

The program will include, but not be limited to, ship voyages extending beyond the normal navigation season; observation and surveillance of ice conditions and ice forces; environmental and ecological investigations; collection of technical data related to improved vessel design; ice control facilities and aids to navigation; physical model studies; and coordination of the collection and dissemination of information to shippers on weather ice conditions.

Subsection (c) of the section authorizes a study of ways and means to provide reasonable insurance rates for shippers and vessels engaged in waterborne commerce on the Great Lakes and St. Lawrence Seaway beyond the present navigation season. One of the deterrents to winter navigation is higher insurance rates for this season, and the provision of reasonable rates is a necessary part of any program for extending the navigation season.

Section 108 is a most important provision which we hope has nationwide significance—it is the cleaning up of the Cuyahoga River, one of the four dirtiest rivers in the United States—a river so dirty that it actually caught fire on several occasions. The purpose of this section is to establish, on a test-case basis, what can be done in the way of physical and engineering improvements working in conjunction with other Federal and State treatment programs, to improve the total quality of a river—both its appearance and its quality—so that it may assume, through recreational, environmental, wildlife, and water quality values, a functional and viable role in the area it serves.

Section 122 requires that not later than July 1, 1972, the Secretary of the Army, acting through the Chief of Engineers, shall submit to Congress, and, not later than 90 days thereafter, promulgate guidelines to assure that adverse economic, social, and environmental effects relating to any proposed project have been fully considered in developing such projects and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for flood control, navigation and associated purposes, and the cost of eliminating or minimizing such adverse effects and the following: First, air noise and water pollution; second, destruction or disruption of manmade and natural resources, esthetic values, community cohesion, and the availability of public facilities and services; third, adverse employment effects and tax property value losses; fourth, injurious

displacement of people, businesses, and farms; and, filth, disruption of desirable community and regional growth. Such guidelines shall apply to all proposed projects after the issuance of such guidelines including the projects authorized in this act.

Section 123 provides for a program of construction of contained spoil disposal facilities in the Great Lakes in order to eliminate pollution associated with open water disposal of contaminated dredged spoil. The section is similar in import to a proposal submitted earlier this year by the administration. It differs from the administration proposal mainly in the area of cost sharing, by providing for waiver of the required local cooperation where the Administrator of the Environmental Protection Agency finds that the local interests are participation in an approved plan for the construction, modification, expansion, or rehabilitation of waste treatment facilities and are making progress satisfactory to the Administrator.

The section authorizes the Secretary of the Army, acting through the Chief of Engineers, to construct contained spoil disposal facilities subject to conditions of non-Federal cooperation, as soon as practicable. Construction priority of the various facilities would be determined after considering the views and recommendations of the Administrator of the Environmental Protection Agency.

I would also note section 208 involving combined beach erosion hurricane projects; section 109, a statement of congressional intent regarding objectives to be included in federally financed water resource development projects; section 211, establishing a new position of Assistant Secretary of the Army for Civil Works; section 221, requiring written agreements from local interests before initiation of projects; and section 235, authorizing an important water quality study of the Susquehanna River Basin. My colleague on the conference committee, the very able chairman of the Subcommittee on Flood Control, the gentleman from Alabama (Mr. JONES), will discuss these provisions in more detail. The conference substitute includes 11 navigation projects and one beach erosion project in the River and Harbor Act at an estimated Federal cost of \$153,354,000 and 20 flood control projects in the Flood Control Act at an estimated cost of \$407,301,200. The total of the projects authorized is \$560,655,200. This is the smallest Omnibus Rivers and Harbors and Flood Control Act in the last 20 years.

I would conclude by thanking all the members of the conference on both sides of the aisle for their outstanding efforts on this legislation. I sincerely appreciate the support and counsel of my good friends, the gentleman from Alabama (Mr. JONES); the gentleman from California (Mr. JOHNSON); the gentleman from South Carolina (Mr. DORN); the ranking minority member of the committee; the gentleman from Florida (Mr. CRAMER); the gentleman from Ohio (Mr. HARSHA); and the gentleman from California (Mr. DON H. CLAUSEN).

Mr. Speaker, I now yield such time as

he may consume to the distinguished gentleman from Alabama (Mr. JONES). (Mr. JONES of Alabama asked and was given permission to revise and extend his remarks.)

Mr. JONES of Alabama. Mr. Speaker, H.R. 19877, which we now bring back from conference for approval of this House is another example of excellent cooperation between this body and the Senate. Yesterday, I was able to note this spirit of cooperation in dealing with the Senate conferees on the Disaster Relief Act of 1970, and today I am pleased to report the same attitude prevailed in the River and Harbor and Flood Control Acts of 1970.

The agreed-upon conference substitute authorized a total of 20 flood control projects, and 12 navigation and beach erosion projects. The estimated amount of these projects is \$560,655,200. I would point out that this total is \$24 million less than the original House bill and considerably less than the Senate version.

H.R. 19877 is a comprehensive measure to authorize the Corps of Engineers to carry forward vital programs for the development and improvement of waterways and harbors as an essential element of the Nation's transportation system, for the protection of lives and property of our citizens against the ravages of floodwaters, for the protection of our valuable coastal resources from erosion, for the generation of low-cost hydroelectric power, for the development of water supplies of suitable quantity and quality to serve our Nation's cities and industries, for the conservation and enhancement of fish and wildlife resources, for providing increased opportunities for our citizenry to enjoy healthful outdoor recreation opportunities, and, in general, for inducing economic development as a means of enhancing the general welfare.

There are certain provisions which I believe to be particularly important. I would call the attention of my colleagues and the appropriate Federal agencies to section 209. This section provides for the consideration and determination of all costs and benefits in the formulation and evaluation of water resource projects. The inclusion of this section in the bill is the reflection of Congress continuing concern that our water resources be managed and developed consonant with contemporary concerns for the environment, for the urban problems, and for our concern for our regions.

We are aware that the Water Resources Council in the report of its special task force has forthrightly addressed the problem of developing principles and standards that would allow for the evaluation of water resource projects in terms of all objectives and has developed more detailed guidance for this purpose. But only within the past few weeks have we become aware of the position of the Office of Management and Budget in opposition to this type of analysis. In their initial review of the special task force report, OMB has, in effect, stated that we should not pursue multiobjective approaches to formulating our water resource plans and that, in

fact, we should evaluate potential development plans on a basis even narrower than our present standards provide.

We have repeatedly urged the executive branch to develop new guidelines and procedures that would more appropriately reflect the concerns Congress has expressed with respect to making our water projects responsive to a broad range of current and future national concern. We believe the special task force of the Water Resources Council provides that basis. It is disturbing that the OMB is now taking a position which contravenes existing national goals and seriously endangers the development of water resource plans truly responsive to our national needs. Section 209 expresses the intention of the Congress that we formulate our plans and evaluate benefits and costs in the context of all objectives—national economic development, environment, quality of life, and regional development. We can ill afford to ignore the proper role of water resources development in enhancing our environment and helping to resolve the problems of our urban areas and depressed regions.

Proposals by the Office of Management and Budget that would result in a further increase in interest rate for evaluation of water projects; that would limit the benefits to be considered in the formulation and evaluation of plans; and that would preclude the full consideration of all objectives in developing long-range water resource programs would clearly run counter to a growing national concern that all resource development programs squarely address our Nation's problems. We cannot neglect the pressing problems of our cities, of our obligation to improve our environment and to rid ourselves of pollution. It is less costly to attack these problems now than to pay the high costs of correcting ills after they are created. The statement of the objective for water resources as set forth in section 209 expresses the intent of Congress that the contribution that water resource projects can make to a growing list of priority concerns be considered in the formulation and evaluation of projects. We feel confident that through a broadening of the objectives and criteria by which we plan for the future use of our water resources, we can better utilize funds for water development.

I would further note that the Congress in 1965 granted to the Water Resources Council the responsibility of establishing principles, standards, and procedures for Federal participants in the preparation of comprehensive regional or river basin plans, and for the formulation and evaluation of Federal water and related land resource projects.

In the event that the Water Resources Council is prevented from carrying out the responsibility granted to it by the Congress, the Congress may find it necessary to reassert its authority in this field.

I would insert in the Record at this point a copy of the OMB memorandum which states its position to the Water Resources Council:

December 18, 1970

CONGRESSIONAL RECORD—HOUSE

H12049

EXECUTIVE OFFICES OF THE PRESIDENT,
OFFICE OF MANAGEMENT
AND BUDGET,

December 2, 1970.

MEMORANDUM

To: Mr. W. Don Maughan, Executive Director,
Water Resources Council.
Subject: Proposed principles, standards, procedures for evaluating water resource plans and projects.

This is in response to your letter of October 29, 1970, to Mr. Weinberger on the above subject.

As Mr. Weinberger indicated at our meeting with you and representatives of the members of the Council on October 7, the proposed principles and standards should be carefully scrutinized because of the long range implication of these guidelines on future water resource development. We, therefore, are making an intensive review to assure that this is the best possible planning tool from the Administration's standpoint. As promised, our views will be furnished to the Council within 90 days.

So far, we have noted some changes that we believe should be made in the proposed standards. We believe the following changes are necessary to meet the goal of better decision making in water resource investments

ADDITIONAL NON-FEDERAL PARTICIPATION IN
DEVELOPMENT COSTS

Everyone agreed at the October 7 meeting that beneficiaries of water resource projects should be required to participate more in the costs for project development. Except for recommendations regarding cost sharing for water quality control, the WRC task force recommends no change in current policies regarding apportionment of costs to local interests.

We commend the task force for its proposal for water quality control cost sharing and concur in that recommendation. However, other cost-sharing proposals are also needed. Non-Federal interests should be required to pay substantially more of the investment costs in the future. For example, local cost sharing for flood control projects should be consistent with the Federal flood insurance program. More importantly, equity calls for increased local participation in water development projects.

WRC is considering new cost sharing policies for flood control. We strongly urge that this study be concluded soon since it has been identified as a possible 1973 program reform by the President. This study should be approved prior to approval of the proposed principles and standards.

DISCOUNT RATE

In determining the discount rate for government investments in water resources, we believe that the real opportunity cost of capital should be used. We recognize that the rate of movement from the current level of 5½ percent will have to be worked out but a significant increase from the current level should be made immediately.

MULTIPLE-OBJECTIVES

The task force report provides for the recommendation of plans to meet objectives of regional development, environmental quality and quality of life even when costs, on a national income basis exceed the benefits. We strongly disagree and believe no plan should be recommended unless the addition to national income exceeds the costs.

BENEFITS FROM INCREASES IN OUTPUT RESULTING FROM EXTERNAL ECONOMIES

The task force recommends that external economies and diseconomies resulting from water development be included in planning reports. It recognizes that present techniques are not well developed for measuring external economies and diseconomies. We do not agree that those economies or diseconomies attributable to influencing the

economies of scale of processors or other producers should be included as benefits to a water resource project. Where such economies exist, they not only are almost impossible to measure but are probably offset by reverse phenomena elsewhere. However, external effects caused by a project such as increased costs imposed on parties other than project beneficiaries can be evaluated with sufficient confidence to warrant their inclusion in the national benefit-to-cost estimates.

BENEFITS FROM UTILIZATION OF UNEMPLOYED
AND UNDEREMPLOYED RESOURCES

The task force report states that benefits should be counted when a water plan creates an opportunity to use resources that would be unemployed or underemployed in the absence of the plan. The report states that utilization of such resources may come about (a) as a result of implementing a plan, including construction, operation, maintenance, or replacement; (b) as a result of the use of intermediate goods and services resulting from the plan; or (c) as a result of expansion of output by firms who are indirectly affected by the installation of the project or indirectly affected by consumers and firms who use final and intermediate goods.

Use of unemployed or underemployed resources, namely manpower, on a project is now counted as area redevelopment benefits. Counting benefits under (b) and (c) above are conjectural, for example, the employment of unemployed persons in an area because an industrial plant is expected to locate there because of flood protection to be provided by a project. It is difficult to forecast plant locations. In addition, the plant may only relocate from one region to another so that there is no net addition to national income. Also, a plant planned for one location in a region might locate in another area within the region because of the project, in which case, there is no net addition to the region attributable to the project.

In addition to the question of private investments required to produce these benefits, non-Federal public investments, such as streets, water supply and sewers, may also be required before the benefits will occur. Thus, these types of benefits are not only conjectural but must be allocated among the various investments.

Benefits from the use of underemployed or unemployed resources in (b) and (c) above should not be included in the national income account and only included in the regional development account as a side calculation for information as to possibilities and not enter into the benefit-cost analysis of the cost allocation.

Basinwide Analysis

The standards will apply to the preparation of framework studies or assessments, regional or river basin studies, and implementation (individual project) studies. Conceptually, basin-wide or regional analysis is the proper way to formulate water resource plans. In particular, one should be careful to eliminate double counting from the same population base. Further, this should assure a multi-agency effort which will facilitate trade-offs among agency objectives. In addition, however, water development should be an integral and necessary part of a regional economic development plan prepared by others than water planners.

INTERNAL EFFICIENCIES (INCREMENTAL ANALYSIS)

The standards need a stronger statement on the use of incremental analysis to determine optimum scale of development. The statement should stress the optimization of each project of a group of projects, and including each separable segment and each purpose of a project, as well as optimizing the scale of physical development.

APPROVAL OF PROPOSED PRINCIPLES, STANDARDS,
AND PROCEDURES

We agree that the President should approve the statement of principles. With regard to the approval of the statement of standards, we believe it would be an appropriate task for the Office of Management and Budget. The standards, as well as the principles, will guide the course of future water resources planning and development. The importance of the standards suggests that the review and approval responsibility should be in the Executive Office of the President.

OTHER ISSUES

There are other areas that we are concerned with and now have under deliberation. We will communicate with you on these at a later time. Examples are:

Proposal to apply standards to activities not now covered by water resources standards, primarily land resources.

Proposed procedures for calculating navigation, recreation and agricultural related benefits.

Practicability of the social well-being or quality of life objective as an explicit planning objective.

Implication of publishing a national program for water resource development.

Recommended cost allocation procedures compared to other alternatives.

Validity of projections set forth in the standards to be used in planning.

Criteria for establishing period of analysis for a water resource plan.

We are furnishing this information in order to be more responsive to the Council's request for our views on the proposed principles and standards. This should allow you to focus early on some major areas of disagreement between the Council's task force and OMB. OMB staff, of course, is available to work with you on this matter.

DONALD B. RICE.

Mr. Speaker, section 208 amends existing beach erosion control authority to permit, within the discretion of the Chief of Engineers, application of a cost apportionment procedure that is generally similar to that now applied to hurricane flood protection projects.

At the present time, projects which serve the single purpose of protection of beach erosion are subject to different cost-sharing formulas determined by ownership and use which can vary the Federal contribution from 50 percent in the case of non-Federal publicly owned land, to 70 percent for non-Federal publicly owned land used as a park or conservation area.

The cost-sharing formula for hurricane and tidal flood protection, established by the projects authorized under the 1958 Flood Control Act, contemplates a Federal contribution of up to 70 percent of the project cost. In multiple-purpose beach erosion and hurricane and tidal flood protection projects the costs allocable to each purpose are apportioned on the basis of the formula established for each such project purpose.

The section permits a desirable flexibility in the statutory cost apportionment required for beach erosion benefits and permits a discretionary determination of the proper Federal share of project cost up to 70 percent in all hurricane and tidal flood protection projects having beach enhancement aspects.

I wish to stress that this in no way affects the present policy for cost sharing on hurricane protection projects which do not include beach erosion. The basic

difference would be that hurricane projects without beach erosion control features would permit 70 percent Federal contribution, but, unlike the multiple-purpose projects, would continue to permit any lands finished by local interests to be credited as part of their required contribution.

Section 211 provides for an additional Assistant Secretary of the Army for Civil Works who would have as his principal duty the overall supervision of the Department of the Army's functions relating to programs for the conservation and development of the national water resources including flood control, irrigation, shore protection, and related purposes.

Within the Department of the Army, the responsibility for supervising the civil works program has, for the past several years, been assigned to the General Counsel of the Army who, in this capacity, acts as the special assistant for civil functions to the Secretary. In January 1966, the Secretary of the Army released a report covering the civil works program of the Corps of Engineers, prepared by the Civil Works Study Board which recommended establishment of an office of an Assistant Secretary of the Army with responsibilities primarily for the civil works missions. This recommendation was based upon the conclusion that the importance of the civil works program to the Nation and the Army warranted a higher degree of personal involvement at the Secretarial level.

The need for more effective interdepartmental coordination at the Departmental level has increased during the more than 4 years since the Secretary submitted the Study Board report. The requirement of departmental membership on the Water Resources Council, established by the Water Resources Planning Act, and the problems stemming from the increasing involvement in water resources development of the Department of Transportation, the Department of Housing and Urban Development and the Environmental Protection Agency have contributed to the need for an Assistant Secretary who can devote his primary efforts to the civil works mission.

The civil works program exceeds in magnitude the total programs of several existing Federal departments and is extremely important to the Nation's water resources. From these standpoints, and others, there is full justification for proposing an Assistant Secretary to assist the Secretary of the Army in discharging his broad civil works responsibilities.

Section 221 is a result of our long-held belief that there should be a uniformity of obligation in water resources development projects and the associated items of local cooperation, and that before Federal moneys are invested in a project, the non-Federal interests should be bound to perform the required cooperation.

Under this section the construction of any water resources project by the Secretary of the Army shall not be commenced until the non-Federal interests enter into a written agreement with the Secretary of the Army to furnish the cooperation required under the project authorization or other law. The require-

ment for such an agreement also applies where local interests commence work on a Federal project for which they will be reimbursed. It does not apply, however, to those cases where the United States is merely contributing part of the cost of a non-Federal project in recognition of the Federal purposes it will serve, such as flood control.

The non-Federal interests entering into these agreements must be legally constituted public bodies with full authority and capability to perform the terms of the agreement and to pay damages, if necessary, in the event of failure to perform. The agreements will be enforceable in the appropriate district courts of the United States.

The section also provides that after commencement of construction of a project, the Chief of Engineers may undertake performance of those items of cooperation necessary to the functioning of the project, such as operation and maintenance or completion of a partially completed project, if he has first notified the non-Federal interest of its failure to perform the agreement and has given such interest a reasonable time to perform. The purposes of this provision are to protect the Federal investment and to prevent property damage and loss of life which might result from a partially completed or improperly operated or maintained project.

The section also requires that a continuing inventory, be kept of agreements and the status of their performance, and that an annual report be made to the Congress.

This section will provide a necessary uniformity of obligation among non-Federal interests and insure that Federal investments in water resources projects will be economically and judiciously made.

Section 235 authorizes and directs the Secretary of the Army, acting through the Chief of Engineers, as part of the comprehensive study of the water and related resources of the Susquehanna River Basin, to investigate and study, in cooperation with the Administrator of the Environmental Protection Agency and other interested Federal and State agencies, the availability, quality, and use of waters within the basin with a view toward developing a comprehensive plan for the development, conservation, and use of such waters. The studies and investigations authorized by this section will include the development of plans, for recommendation to the Congress, concerning the construction, operation, and maintenance of water conveyance systems; regional waste treatment, interceptor, and holding facilities; water treatment facilities and methods for recharging ground water reservoirs.

There was some question raised as to the relationship of this study with the recently passed S. 1079 which established the Susquehanna River Basin Commission as a coordinating Federal-Interstate agency for planning, development and use of the water resources of the basin. It was never intended by the inclusion of this study authorization to bypass the new River Basin Commission. There can be no question that we antici-

pate only the highest degree of cooperation between the Corps of Engineers, the Environmental Protection Agency, and the Susquehanna River Basin Commission.

I would conclude by commending the conferees for their excellent work. My appreciation, as always, is extended to my fellow conferees, the chairman of the Subcommittee on Rivers and Harbors, the gentleman from Minnesota (Mr. BLATNIK), the gentleman from California (Mr. JOHNSON), the gentleman from South Carolina (Mr. DORN), the gentlemen of the minority including the ranking member of the Committee on Public Works, the gentleman from Florida (Mr. CRAMER), the gentleman from Ohio (Mr. HARSHA), and my colleague on the Subcommittee on Flood Control, the gentleman from California (DON CLAUSEN).

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield to the distinguished gentleman from Ohio.

(Mr. HARSHA asked and was given permission to revise and extend his remarks.)

Mr. HARSHA. Mr. Speaker, I appreciate the gentleman yielding. However, I would like to inform the Members of the House that I did not sign the conference report. I did not sign it for the following reasons:

This report gives approval to some 16 projects which have not been approved by the Office of Management and Budget. Heretofore it has been the policy of the Committee on Public Works to approve in the final version of the conference report only those projects that have been approved by every Federal agency involved, including the Office of Management and Budget.

Indeed, it was my understanding that projects which had not received Office of Management and Budget approval by the time the conference completed its business, would not be enacted into law at this time. If I did not so believe, I would not have voted to include these projects in the bill reported by the Public Works Committee, and I would not have voted to include these projects on the floor of the House.

Mr. Speaker, as I say, in these 16 projects this was not done. In my opinion by digressing from this position we will make a shambles of the procedure which allows for the orderly, progressive consideration of projects of this kind. Heretofore we have insisted that the projects clear not only the State and Federal agencies but also the Office of Management and the Budget.

This has not been done in this case. But, it need not stop there. If we dispose of the review and approval of the Office of Management and Budget, next we may find ourselves disposing of the review and approval of other Federal agencies. After that, we can find ourselves disposing of the approval of the State and local authorities. Field hearings would become meaningless. The expression of the public will could only be made in fora that have no significance.

In short, I can see that this practice could well lead to the approval of proj-

ects contrary to the public will, contrary to the desires of the administration and contrary to the interests of the United States. I believe that this practice should not be condoned, and, therefore, have refused to sign the conference report.

I am afraid this kind of procedure is going to come back and haunt us. I

wanted the opportunity to express my concern over this method of legislating.

I will admit and concede that there are some precautions taken in this bill because the construction of the projects cannot be commenced until the President and the Secretary of the Army approves them, but irrespective of that they

are authorized. And these 16 projects, or the authorizations in this bill, are for \$241 million, and there is an additional \$193 million of unauthorized monetary value to these projects, so what we are talking about is not some little matter, it involves something over \$434 million as indicated in the following table:

PROJECTS FOR WHICH OFFICE OF MANAGEMENT AND BUDGET APPROVAL HAS NOT BEEN RECEIVED

	Authorization	Total cost		Authorization	Total cost
Baltimore Harbor, Md. and Va.	\$40,000,000	\$39,500,000	Panama, P.R.	\$14,295,000	
Atlantic Intracoastal Waterway bridges, Virginia and North Carolina	11,220,000		Cottonwood Creek, Calif.	40,000,000	\$174,000,000
Pamlico River and Morehead City Harbor, N.C.	2,642,000		Merced County streams, California	37,260,000	
Freeport Harbor, Tex.	13,710,000		Kaneohe-Kailua area on the east coast of Oahu, Hawaii	7,249,000	
New Milwau Harbor, Kauai, Hawaii	1,952,000		Total, authorization	241,097,000	
Saint Georges Creek, Md., to Harry Lundberg School of Seamanship at Piney Point, Md.	475,000		Unauthorized project cost	193,500,000	
Ouachita and Black Rivers, Ark. and La.	13,500,000		Total cost	434,597,000	
Arkansas Red River Basin, Tex., Okla., and Kans.			Total cost (2 projects)		273,500,000
Mississippi River at Oswepeport, Iowa	12,283,000		Authorized cost (2 projects)		80,000,000
Sandridge Dam and Reservoir, Elliott Creek, N.Y.	19,070,000		Unauthorized cost (2 projects)		193,500,000
Portugues Dam and Reservoir, P.R.	11,110,000				
Certillon Dam and Reservoir, P.R.	16,351,000				

Nearly a half billion dollars is, I think, a great deal of money. But perhaps even more important than a half billion dollars is the precedent established by this procedure. Under such precedent, the review procedure requiring Office of Management and Budget review is eroded and indeed dispensed with. Such a practice is highly undesirable, and I think that this is a regrettable way to legislate in this manner, and that is why, Mr. Speaker, I refused to sign the conference report.

Mr. GERALD R. FORD. Mr. Speaker, would the gentleman from Minnesota yield?

Mr. BLATNIK. I will be delighted to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, approximately 2 years ago I introduced legislation that would have prevented the Army Corps of Engineers from dumping in the Great Lakes the dredgings that they acquire from their various operations. Earlier this year the President of the United States also recommended to the Congress that such prohibiting legislation be approved by the House and the Senate.

I was reading the conference report on page 28, and would the gentleman from Minnesota explain what has been done in this legislation that involves this particular problem? Because we do have a serious situation concerning the dumping of soil dredgings, particularly in the Great Lakes from the various operations of the Corps of Engineers and others.

Mr. BLATNIK. Mr. Speaker, the gentleman from Michigan raises not only a very important question, but the gentleman is directing himself to a very vexing problem.

Section 123 of the legislation, as agreed to by both the Senate and the House, has a program for construction of spoil disposal facilities for the Great Lakes in order to eliminate this very serious problem. We did not adopt all of the recommendations made by the administration. I would point that the basic difference was in cost sharing, be-

cause at this stage much of this will be of an advanced demonstration program of what to do with these materials. The gentleman knows, the problem can vary from place to place.

Again let me emphasize that the difference was not in concept but merely in cost sharing. The administration asked for a 50-50 sharing between the local units and the Federal Government. We changed that to a requirement for local cooperation of 25 percent. Also in some instances the Corps of Engineers, with proper justification, can waive the local contribution because the local interests are in compliance with an ongoing program of sewage treatment facility construction.

We do make what is, in our judgment, a very significant forward step in coping with this problem in a workable manner, and in as efficient a manner as we can to handle this problem of disposal.

Mr. GERALD R. FORD. Mr. Speaker, if the gentleman will yield further, let me say that I applaud the action taken by the conference, even though it does not go the full length recommended by the administration. This is a forward advance from the conditions of the past, and perhaps after we have had some experience with this law perhaps we can take further steps in the future to prohibit this kind of a problem from existing at all.

Mr. BLATNIK. Mr. Speaker, I appreciate the good words from the distinguished minority leader.

I also want the Record to show the gentleman's persistent and continuing interest in advocating that action be taken on this important problem.

If I may now direct my remarks to a valid point made by the gentleman from Ohio, the ranking minority member of the Subcommittee on Flood Control, a very valuable member of that subcommittee. Originally, we felt that we should keep projects out that did not have the usual approval of the Office of Management and Budget. But as time went on we found that there were several very important projects that had been approved at all levels—at the local level

right on up to the State level and all agencies of the Federal Government that had some concern with respect to a given project. The projects had advanced at the time of the conference through all stages except for final OMB approval.

We felt it would be unfair insofar as these projects are concerned where many have been under consideration for several years to eliminate them arbitrarily for a possible period of 2 more years until the next omnibus bill. This did not seem appropriate when they are so close to being approved and all indications are that they shall be approved.

However, the gentleman is correct—the Congress ought to protect itself and certainly ought to give an opportunity for the President to protect himself.

So we put specific and precise language in each one of these projects that have not completed the approval stages by the OMB and the Secretary of the Army.

The language is essentially this: That no construction of any work whatsoever shall be initiated in any of these projects until such approval is obtained.

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman.

Mr. HARSHA. The committee probably did not want to eliminate arbitrarily the projects and no Member wants to eliminate arbitrarily the projects. This has been the policy of the committee for years and it has been the policy of the Congress, that we do not authorize these projects until they are cleared by the Bureau of the Budget.

Just to give you an example of what we are getting into here—we have a project here which we have not only made conditional upon the ultimate approval of the President and the Secretary of the Army, but we have directed that studies be made to determine alternatives for those projects. Before that project is to be constructed, those alternatives are to be considered and reported back to the Congress.

Now I am informed that a certain State is in the process, based on this representation in our committee bill, of

acquiring land. Where are the people who have to give up their homes in a case like this and who have to give up their property in a case like this? where are they left after the State purchases the property? and suppose the administration turns the project down?

This is one of the situations you are going to get into—just one of them—and I still say an instruction of this type is going to come back to haunt us.

(Mr. HARSHA asked and was given permission to revise and extend his remarks.)

Mr. BLATNIK. Mr. Speaker, I have no further response other than to say the gentleman does raise a point and we go up to the 1-yard line before the projects are approved all the way. When you come that close to it, we feel it just would not be doing justice in the case of a badly needed project to delay it for another year or two, especially when they are meritorious or justifiable.

(Mr. BLATNIK asked and was given permission to revise and extend his remarks.)

Mr. BLATNIK. Mr. Speaker, I yield to the gentleman from New York, a member of the committee.

Mr. McEWEN. I thank the gentleman from Minnesota for yielding. I will say to the gentleman that I would like to associate myself with the concern expressed by the gentleman from Ohio. Particularly I would like to emphasize to the gentleman from Minnesota that one of these projects, which the gentleman from Ohio has referred to, we had a very thin benefit-cost ratio, and we conditioned our approval on there being a direction for a study of alternatives and a report back to this Congress before going ahead with it. Notwithstanding this, I am also informed that the State where this project is located may be proceeding with the acquisition of the land before the report back by the corps to our committee and before possibly the review and approval of the Office of Budget and Management. I want to associate myself with the remarks of the gentleman from Ohio and say to the gentleman from Minnesota that I am concerned about this. I understand there are going to be steps taken under this authorization before there has been not only review by all of the executive agencies that should review it, but before we have had a report back from the corps as to what alternatives there are, if any, to this project.

Mr. BLATNIK. I would like to point out that the gentleman from New York has some valid points. But this is the only project that can be pointed out in that connection. There is some question about it, but what the gentleman has expressed does not exist in relation to the other projects. This is a flood control project. I believe it is in the district of the gentleman from New York (Mr. McCARTHY).

I yield to the gentleman from New York (Mr. McCARTHY).

Mr. McCARTHY. I thank the distinguished gentleman for yielding.

Mr. Speaker, for the record, I would merely like to clarify the situation that in committee we did accede to the request of the distinguished gentleman

from New York (Mr. CONABLE), in whose district the dam will be located, and where the property is being acquired under the Republican administration in New York. I should point out that the impact of this is mainly within the district that I presently represent. The Governor of New York wants it desperately. It is an essential ingredient in a \$1.5 billion complex associated with the new University of Buffalo. This project cannot go through if there is going to be flooding throughout that area.

The dam is essential. We have gone along with the minority, which asks for a study of alternatives. So it seems to me that all interests here have tried to be cooperative, and your own Governor is most anxious to see this project proceed.

Mr. BLATNIK. I should like to make one comment. The gentleman from New York (Mr. McCARTHY) is correct. I do not know whether it has been made clear to the membership that this land acquisition is being undertaken, as I understand, by the State, or perhaps some local interests. In most local flood protection projects, the local interests are required to furnish lands, easements and rights-of-way. However, this is not required until after the project has been approved. We cannot stop a State or a municipality from acquiring land if they want to do so prior to approval. They are doing so in the hope that the project will be approved. I would note, however, that the acquisition of the lands at this time is a risky proposition or the part of the State since there is no assurance that the project will receive the necessary approvals or that it might not be relocated.

Again, I repeat, our safeguard is in the language of the bill, directing that in relation to each project, if the project does not get approval by the President, the Secretary of the Army, and the OMB, there will be no Federal expenditure on the project.

Mr. McEWEN. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from New York.

Mr. McEWEN. I thank the gentleman for yielding. I would say to my dear friend and colleague from New York that I do not propose here to debate all questions on the Sandridge Dam and Ellicott Creek. But I do think this is a unique situation. It appears in this list, to which the gentleman from Ohio has referred, of projects as to which there has not been a review and approval by the Office of Management and Budget; where there was not a particularly strong benefit-cost ratio; where the study was not made by the corps but by engineers employed by the State in behalf of the corps, and where we have directed a review and report back to this Congress. Yet, I am told that the State may go ahead and acquire land for the project.

I would say also to my colleague from New York that I further understand that on the campus of the University of Buffalo there are flood control protections incorporated now in the site for that campus.

So ever since the action by our committee, I would say to my friend, the

gentleman from Minnesota, I have been told that this does not relate just to the campus of the University of Buffalo, but that there is incorporated in it, apart from this project, flood control measures. I just regret to see, Mr. Speaker, a project where there are serious questions which our committee has recognized, there are questions where we direct by the language in this bill that there be further study and report back, that we go ahead and authorize it when there has not been approval by the Office of Management and Budget.

Mr. ROBISON. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from New York (Mr. ROBISON).

Mr. ROBISON. Mr. Speaker, changing the subject matter for a moment, I would like to take this opportunity to thank the acting chairman and other members of the committee who were conferees in this matter for having worked out in satisfactory manner, as I think they have, the jurisdictional problems relating to developing a comprehensive plan for the conservation and protection of the water resources of the Susquehanna River. They have done so in such a fashion that the jurisdiction and responsibilities of the newly created Susquehanna River Basin Commission will be protected and recognized, along with that of the new Environmental Protection Agency, while the Corps of Engineers will still have the needed authority to proceed.

Mr. BLATNIK. I thank the gentleman from New York.

Mr. ROBISON. If the gentleman will yield a moment further, the gentleman knows of my longstanding interest in this regard, and I am grateful to him and the other members of the committee, on which I used to serve, for their actions in saving this section.

Mr. BLATNIK. I would like to make a very frank statement, that if it were not for the assistance of the gentleman from New York and other Members from both the House and Senate we would not have succeeded as well as we did on this. It is a very worthy project, and the gentleman deserves a great deal of credit for assisting in preserving the project.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Speaker, the project was held up about 20 minutes, I might say, in order to see that the position of the gentleman from New York was taken into account and to see that it was worked out in a satisfactory manner.

Mr. EDMONDSON. Mr. Speaker, within the past 5 years, this Congress has enacted a number of important items of legislation all of which reflect our national concern that our water and related resources be developed and utilized in the most effective way possible to serve the needs of our present and future generations. These include:

The Appalachian Regional Development Act of 1965;

The Federal Water Project Recreation Act of 1965;

The Water Resources Planning Act of 1965;

The Public Works and Economic Development Act of 1965;

The Water Quality Act of 1965;

Authorization of the Northeastern Water Supply Study in 1965;

The Clean Water Restoration Act of 1968;

The Wild and Scenic Rivers Act of 1968;

The National Flood Insurance Act of 1968;

The Estuary Protection Act of 1968;

The National Environmental Policy Act of 1969; and

The Environmental Quality Improvement Act of 1970.

Impressive as this list may appear, there is yet a need to assure that the Federal agencies required to execute plans for water resources development have clear and explicit guidelines that fully incorporate planning and development concepts that will assure that water resource projects to be considered by this Congress do, in fact, address our critical environmental, economic, and social problems.

Section 209 of this bill is clear expression of our intent that all objectives and all benefits and costs associated with those objectives are considered in the formulation and evaluation of plans.

We strongly urge the development without further delay of specific guidelines and procedures necessary to implement this conservative intent. This Nation must avoid further compounding the serious problems we now face in trying to cure the ills of congestion and pollution in our increasingly urbanized society.

The bill before us not only authorizes a series of specific projects to help in this effort, it also provides in section 209 the broad policy cornerstones needed for a full-scale national effort to meet national needs of growing urgency.

We urge cooperation by the administration in the meeting of those needs.

Mr. FALLON. Mr. Speaker, it is a distinct privilege for me to rise in support of the conference report on H.R. 19877, the omnibus rivers and harbors and flood control bill of 1970. The agreed-upon conference report on the bill authorizes 12 navigation projects and 20 flood control projects in 21 States and Puerto Rico. The Committee on Public Works has made every effort to keep down the total authorization contained in the bill, while at the same time including those projects which are urgently needed for the economic well-being of the Nation. The projects in this bill will provide valuable benefits to the people of this Nation through improvement of navigation, prevention of floods, water supplies for our cities and towns, water quality, and recreation. The total authorization contained in this bill for these 32 projects is \$580,655,200. At a time when economy in our Government is so important, I think the members of the Committee on Public Works and the Subcommittee on Rivers and Harbors and Flood Control are deserving of our highest commendation for the success of their efforts to keep the cost of this bill down.

One of the projects approved for authorization in this bill is the Baltimore Harbor and Channels, Maryland, and Virginia. This project is particularly important to the State of Maryland since it concerns the deepening of the existing channels and approach of Baltimore to meet the existing and prospective needs of navigation. Specifically, it provides for Cape Henry, York Spit, and Rappahannock Shoal Channels, 50 feet deep, and 1,000 feet wide; a main ship channel, 50 feet deep and 300 feet wide; three branch channels, 50, 49, and 40 feet deep and all 600 feet wide. The present depths are not adequate for fully loaded large bulk cargo carriers now in use and today's technology is moving so fast and the economic growth is increasing so rapidly that I am gratified by the inclusion of this project which confirms the need for these additional depths while taking into account the necessary protection of the environment.

Mr. Speaker, I wish to commend the conferees, as well as the members of the full committee and the subcommittees, who, in spite of other pressing business, devoted so much time and effort to the consideration of this bill. I particularly commend the gentleman from Minnesota who chairs the Subcommittee on Rivers and Harbors, and the gentleman from Alabama, who chairs the Subcommittee on Flood Control, for their outstanding efforts with regard to this bill.

Mr. JOHNSON of California. Mr. Speaker, as a conferee representing the House on the Rivers and Harbors and Flood Control Act of 1970, I rise in support of this proposal. I feel that the differences as resolved by the House and the Senate conferees represent a reasonable program of development of very necessary navigation and flood control.

While I recognize that in the past months, we have had considerable discussion concerning public works construction and spending, I do not believe that this should affect the authorizing legislation. As my colleagues are well aware, the Congress must take two independent steps before a project can actually be put under constructive contract—the authorizing and the appropriating procedures.

The legislation we have here before us is, of course, the first step, the authorizing bill. It is a bill which you can say does not cost the Federal Government anything, as actual work cannot begin on this project until the appropriating bill is approved by Congress. It seems only reasonable to me to go ahead with this step so that if a need develops for public works construction to stimulate our economy—and I would emphasize that one out of every three people in the heavy construction industry in my home State of California is unemployed—then we will have the authorizing step behind us.

Each of these projects included in the omnibus bill reported by the House-Senate conference has undergone some preliminary feasibility studies and has withstood the rigorous engineering and economic studies of the appropriate agencies. Each has a favorable benefit-

cost ratio which make them worthy of our consideration.

Accordingly, Mr. Speaker, I join with the other managers of the House in urging approval of the conference report on H.R. 19877, the Rivers and Harbors and Flood Control Act of 1970.

Mr. DORN. Mr. Speaker, it was a great honor and a privilege to serve on this conference committee, representing the House. We have brought to you a good conference report, which I wholeheartedly endorse and recommend to the House. Each of the projects authorized in this legislation have been found to be essential to the flood protection and resource development of its area and the Nation. The bill authorizes navigation and flood control projects in 21 States and Puerto Rico. Mr. Speaker, may I take this opportunity once again to pay tribute to the great chairman of Public Works Committee, Mr. GEORGE FALLON. Likewise, I pay special tribute to the distinguished and able gentleman from Minnesota (Mr. BLATNIK). Special recognition should also be given to the gentleman from Alabama (Mr. JONES); the gentleman from Texas (Mr. WRIGHT); the gentleman from Ohio (Mr. HARSBA); and all the conferees and the distinguished members of our Public Works Committee.

I would also like to pay tribute to our colleagues from the Senate, the distinguished gentleman from West Virginia, Chairman JENNINGS RANDOLPH and all the members of his great committee. Also sitting on the conference, was my neighbor from the great State of North Carolina, Senator JORDAN, whom we all love and admire.

Mr. Speaker, this is an excellent piece of legislation and I strongly recommend its passage.

Mr. BLATNIK. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report on H.R. 19877, just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

CONFERENCE REPORT ON H.R. 19504, FEDERAL-AID HIGHWAY ACT OF 1970

Mr. WRIGHT. Mr. Speaker, I call up the conference report on the bill (H.R. 19504) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.